

Applicant: D. Berd
Serial No.: 09/036,645

Front
trinytropheryl, and N-iodoacetyl-N'-5 sulfonic 1-naphtyl ethylene diamine and mixed with
Bacille Calmette-Guerin.

9-
27. The method of claim 26, wherein said vaccine is injected into 3 contiguous
sites on an upper arm or leg.

10-
28. The method of claim 26, wherein said vaccine is administered to post-
surgical melanoma patients.

11-
29. The method of claim 26, wherein said vaccine is administered to stage
four melanoma patients.

12-
30. The method of claim 26, wherein said vaccine is administered every 4
weeks.

REMARKS

This amendment presents the claimed subject matter, already indicated as allowable, in the proper format for issuance in this reissue application. As set forth below, new claims 21-30 correspond to the allowed claims, which were inadvertently submitted informally in the Preliminary Amendment filed with the application for reissue. To avoid any confusion, those informal claims are cancelled by this amendment.

Applicant: D. Berd
Serial No.: 09/036,645

Early and favorable consideration of this reissue application is respectfully requested.

Upon entry of this amendment, claims 1-2 and 21-30 will be pending in the application. New claims 21-30 have been added. Claims 21, 22, and 26 are supported at col. 4, lines 62-63, of U.S. Patent No. 5,290,551 (the '551 Patent) which teaches "autologous, cryopreserved, irradiated ... tumor cells." Claims 23 and 27 find support at col 3, lines 40-41, of the '551 Patent, which teaches that the vaccine composition can be injected "into 3 contiguous sites on the upper arms or legs." Claims 24 and 28 are supported at col. 5, lines 43-44, which teaches that "tumors [are] excised from [the] patients before immunotherapy." Claims 25 and 29 are supported at col. 5, lines 4-6, teaching that tumor regression occurred "in lung and liver metastases", which are known in the art to occur only in stage four melanoma patients. Claim 30 is supported at col 3, lines 32-33, and col 6, lines 14-17, which teaches that the vaccine is "reinjecting every 4 weeks".

In the present set of claims, 1-2 correspond to allowed claims 1-2. Claim 21 corresponds to allowed claim 3. Claim 22 corresponds to allowed claim 5. Claims 23-25 correspond to allowed claims 7-9. Claim 26 corresponds to allowed claim 13. Claims 27-29 correspond to allowed claims 15-17 (claim 15 having been indicated as allowable upon amendment to depend from a pending claim rather than a canceled claim). Claim 30 corresponds to allowed claim 19.

Applicant: D. Berd
Serial No.: 09/036,645

CONCLUSION

It is believed that the claims meet the statutory criteria for patentability, comply with the formal requirements, and warrant allowance. Such action is earnestly solicited. If the Examiner disagrees, or believes for any reason that the direct contact with applicant's attorney would advance prosecution of this application, she is invited to telephone at the number given below.

Respectfully submitted,



Paul F. Fehlner, Ph.D.
Registration No. 35,135
Attorney for Applicants

DARBY & DARBY PC
805 Third Avenue
New York, N.Y. 10022
(212) 527-7700

M:\12250C675\CAP1622.WPD